

## Message Text

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ACTION L-03

INFO OCT-01 ARA-06 ISO-00 SCA-01 SS-15 NSC-05 CIAE-00  
INR-07 NSAE-00 JUSE-00 EUR-12 SEC-01 /051 W  
-----071631Z 103413 /44  
R 062256Z APR 77  
FM AMEMBASSY SAN JOSE  
TO SECSTATE WASHDC 6973

C O N F I D E N T I A L SECTION 1 OF 2 SAN JOSE 1477

E.O. 11652: GDS  
TAGS: PFOR, PGOV, PINT, CS  
SUBJECT: VESCO EXTRADITION: TS RUNNING OUT.

SUMMARY: VESCO COULD BECOME A COSTA RICAN CITIZEN IN JUNE.  
NOT TO MOVE BEFORE THEN TO EXTRADITE MAY BE TANTAMOUNT TO A  
DECISION TO FOREGO AN EXTRADITION ATTEMPT. ALSO, BECAUSE OF  
THE FEBRUARY, 1978 COSTA RICAN PRESIDENTIAL ELECTION, THE LONGER  
OUR DECISION IS DELAYED, THE MORE LIKELY OUR FINAL DECISION  
WILL BE INTERESTED AT INTROMISSION IN THAT CAMPAIGN.

EMBASSY URGES THAT VESCO EXTRADITION REQUEST BE PREPARED AS SOON  
AS POSSIBLE, AND THAT AN INTER-AGENCY TASK FORCE BE NAMED IN  
WASHINGTON FOR PURPOSE OF MAKING, COORDINATING, AND FOLLOWING  
THROUGH IN ALL USG VESCO EXTRADITION DECISIONS. END SUMMARY.

1. THE NEXT FEW MONTHS WILL PROVIDE THE LAST CERTAIN OPPORTUNITY  
FOR THE U.S. TO MOVE ON A VESCO EXTRADITION. VESCO COULD BECOME  
A COSTA RICAN CITIZEN ANY TIME AFTER JUNE 28TH, WHEN HE IN THEORY  
COMPLETES HIS FIVE-YEAR RESIDENCY REQUIREMENT FOR CITIZENSHIP.  
AS A COSTA RICAN CITIZEN, OF COURSE, VESCO COULD NOT BE EXTRADITED.

2. AS DEPARTMENT AND JUSTICE ARE AWARE, THE MOST SIGNIFICANT  
BARRIER TO AN EXTRADITION ATTEMPT SINCE 1974 -- THE "VESCO  
EXTRADITION LAW" -- NO LONGER EXISTS. THAT LAW WAS CHANGED IN  
NOVEMBER, 1976. ACCORDING TO LOCAL COUNSEL, THE USG WOULD HAVE A  
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REASONABLE CHANGE, AS A RESULT OF NEW LEGISLATION, TO WIN AN  
EXTRADITION -- PROVIDED, OF COURSE, THE U.S. ACTS RAPIDLY.  
NOT TO MOVE BEFORE JUNE TO EXTRADITE MAY BE TANTAMOUNT TO A  
DECISION TO FOREGO AN EXTRADITION ATTEMPT.

3. THE BASIC REASONS TO PROCEED WITH AN EXTRADITION ATTEMPT --  
AS OPPOSED TO ALLOWING THIS MATTER TO FESTER, AND THEN TO BE

OVERTAKEN BY VESCO BECOMING A COSTA RICAN CITIZEN -- REMAIN AS COMPELLING AS EVER. THEY ARE:

--TO ELIMINATE VESCO'S PRESENCE AS AN IRRITANT IN BILATERAL RELATIONS AND AS A WIDELY-PERCEIVED CORRUPTIVE INFLUENCE IN COSTA RICA.

--TO RESPOND TO CHARGES THAT THE U.S. HAS BEEN POLITICALLY MOTIVATED IN NOT PROCEEDING WITH AN EXTRADITION ATTEMPT.

--TO DISCHARGE OUR RESPONSIBILITY TO UPHOLD U.S. JUSTICE AND TO PROSECUTE A NOTORIOUS U.S. FUGITIVE.

4. THE TIME FACTOR HAS A MOST IMPORTANT POLITICAL DIMENSION. COSTA RICAN PRESIDENTIAL ELECTIONS TAKE PLACE IN FEBRUARY, 1978. THE CAMPAIGN WILL BE PARTICULARLY ACRIMONIOUS. CORRUPTION, WITH THE VESCO AFFAIR AS CENTERPIENO, WILL BE THE KEY ISSUE POSED BY THE OPPOSITION, WHICH IS DESPERATELY ATTEMPTING TO PREVENT THE GOVERNMENT PARTY FROM ACHIEVING AN UNPRECEDENTED THIRD TERM. THE LONGER WE DELAY OUR DECISION ON THE EXTRADITION, THE MORE LIKELY THAT OUR FINAL DECISION WILL BE SEEN HERE AS AN EFFORT TO INTERJECT OURSELVES INTO THE CAMPAIGN AND TO INFLUENCE THE OUTCOME OF THE ELECTION.

#### 5. TASK FORCE APPROACH

IF THE USG IS TO BE SUCCESSFUL IN A VESCO EXTRADITION, THE STRONGEST, MOST CAREFULLY PREPARED CASE MUST BE PRESENTED. IT MUST BE DONE BEFORE JUNE. IT WILL BE VERY COSTLY -- BOTH IN TERMS OF HUMAN

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RESOURCES AND FUNDS TO PAY LOCAL COUNSEL.

6. EXPERIENCE IN THE VESCO CASE OVER THE PAST TWO YEARS, AND ESPECIALLY SINCE THE NEW, CLEARER U.S. INDICTMENT OF JANUARY, 1976 AND THE CHANGING OF THE EXTRADITION LAW IN NOVEMBER, 1976, HAS SHOWN THAT THE HANDLING AND COORDINATION OF USG EFFORTS IN THIS CASE OF LEGAL AND POLITICAL COMPLEXITY HAS BEEN HCVHLY UNSATISFACTORY. COMMUNICATIONS BETWEEN THE EMBASSY, WASHINGTON (DEPARTMENTS OF STATE AND JUSTICE), AND THE OFFICE OF THE U.S. ATTORNEY OF THE SOUTHERN DISTRICT OF NEW YORK DRAG. THE SIMPLEST DECISIONS TAKE WEEKS. THE MORE DIFFICULT ONES ARE NOT TAKEN. THIS KIND OF DECENTRALIZED, UNCOORDINATED, SLOW-MOVING USG ACTION IN AN EXTRADITION EFFORT INVOLVING A DEFENDANT WHO HAS EXPERT LEGAL COUNSEL IN BOTH THE U.S. AND COSTA RICA AND IS WELL PLUGGED-IN POLITICALLY IN COSTA RICA WOULD PROBABLY FAIL.

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ACTION L-03

INFO OCT-01 ARA-06 ISO-00 SCA-01 SS-15 NSC-05 CIAE-00  
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R 062256Z APR 77  
FM AMEMBASSY SAN JOSE  
TO SECSTATE WASHDC 6974

C O N F I D E N T I A L SECTION 2 OF 2 SAN JOSE 1477

7. AN INTER-AGENCY TASK FORCE IN A VESCO EXTRADITION IS THE  
THE ONLY FEASIBLE WAY THE COUNTRY TEAM SEES FIRST, TO MAKE THE  
BASIC DECISIONS, AND THEN, TO MARSHAL AND COORDINATE EFFORTS,  
TO CHANNEL THEM, TO MAKE THE ADMINISTRATIVE DECISIONS, AND TO  
FOLLOW THEM THROUGH IN WASHINGTON AND SAN JOSE IN A TIMELY FASHION.  
WITHOUT SUCH AN ENTITY, WE FEEL THAT THE USG WOULD FAIL IN OUR  
EXTRADITION EFFORT DUE TO THE SHEER WEIGHT OF OUR OWN BUREAU-  
CRACY. THE WORST COURSE THE USG COULD TAKE, AS BAD AS DOING  
NOTHING, IS TO PRESENT AN ILL-PREPARED, ILL-TIMED, BADLY FINANCED  
EXTRADITION ATTEMPT -- AND TO LOST IT. SUCH A COURSE WOULD BE  
THE FINAL PROOF TO MANY COSTA RICANS THAT THE U.S. HAS INDEED  
ALWAYS BEEN POLITICALLY MOTIVATED IN THIS CASE -- AND THAT THE  
SITUATION HAS NOT CHANGED. GIVEN THE TIME THAT THE USG HAS HAD  
THE JANUARY, 1976 INDICTMENT UNDER STUDY, THE COUNTRY TEAM IS  
CONFIDENT THAT AN INTER-GENCY TASK FORCE, WORKING CLOSELY WITH  
COSTA RICAN COUNSEL AND CUTTING THROUGH USG BUREAUCRACY, WOULD  
BE ABLE TO PREPARE AND PRESENT A CONVINCING EXTRADITION REQUEST  
WHICH HAS A REASONABLE CHANCE FOR SUCCESS PRIOR TO JUNE, 1977.

8. ACTION RECOMMENDED:

--THAT THE USG PROCEED, IN COOPERATION WITH COSTA RICAN LEGAL  
COUNSEL, WITH A REQUEST TO EXTRADITE ROBERT L. VESCO FROM COSTA  
RICA AS SOON AS POSSIBLE.

--THAT AN INTER-AGENCY TASK FORCE BE NAMED IN WASHINGTON FOR THE  
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PURPOSE OF MAKING, COORDINATING, AND FOLLOWING THROUGH IN ALL USG  
DECISIONS AND STRATEGY ON A VESCO EXTRADITION. THE TASK FORCE

SHOULD WORK DIRECTLY WITH COSTA RICAN LEGAL COUNSEL AND THE  
EMBASSY. MEMBERS OF THE TASK FORCE, ESPECIALLY LAWYERS, SHOULD  
BE PRESENT IN COSTA RICA FOR THE MOST IMPORTANT PHASES OF THE  
EXTRADITION EFFORT. KILDAY

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